

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

MCDavid OYEKWE,	§	
	§	
PLAINTIFF,	§	CIVIL ACTION NO.: 3:21-02166
	§	
V.	§	REMOVED FROM THE DISTRICT
	§	COURT OF DALLAS COUNTY, TEXAS,
RESEARCH NOW GROUP, INC. A/K/A,	§	CASE NO. DC-21-10393
RESEARCH NOW, INC. A/K/A DYNATA,	§	
SEYFARTH SHAW LLP, and BRACKETT &	§	C-134TH DISTRICT
ELLIS CORP.	§	
	§	
	§	
DEFENDANTS.	§	

DEFENDANTS' JOINT NOTICE OF REMOVAL

TO: Clerk of Court, United States District Court
For the Northern District of Texas, Dallas Division
1100 Commerce Street, Room 1452
Dallas, Texas 75242

Clerk of the 134th Judicial District Court
Of Dallas County, Texas
George L. Allen, Sr. Courts Building
600 Commerce Street
Suite 101
Dallas, Texas 75202

McDavid Oyekwe
3314 Seabreeze Drive
Rowlett, TX 75088

Defendants Dynata, LLC (“Dynata”) (incorrectly identified by Plaintiff as Research Now Group, Inc. a/k/a Research Now, Inc. a/k/a Dynata), Seyfarth Shaw LLP (“Seyfarth Shaw”), and Brackett & Ellis P.C. (incorrectly identified by Plaintiff as “Brackett & Ellis Corp.”) (collectively “Defendants”), by and through their attorneys and pursuant to 28 U.S.C. §§ 1331, 1441, and 1446,

file this Notice of Removal of Case No. DC-21-10393, which is pending in the 134th District Court of Dallas County, Texas. In support of this Notice of Removal, Defendants state as follows:

1. On August 9, 2021, McDavid Oyekwe (“Plaintiff”) filed his Original Petition titled *McDavid Oyekwe v. Research Now Group, Inc. a/k/a Research Now, Inc. a/k/a Dynata, Seyfarth Shaw LLP, and Brackett & Ellis Corp.*, Case No. DC-21-10393, in the 134th District Court of Dallas County. A true and correct copy of the Docket Sheet for Case No. DC-21-10393 is attached as Exhibit B. A true and correct copy of Plaintiff’s Original Petition, is attached as Exhibit C.

2. All named defendants were served with a copy of the Original Petition on August 18, 2021. Pursuant to 28 U.S.C. § 1446(a), a true and correct copy of the Citation issued to Seyfarth Shaw and the related Return of Service are attached as Exhibit D; a true and correct copy of the Citation issued to Dynata and the related Return of Service are attached as Exhibit E; and a true and correct copy of the Citation issued to Defendant Brackett & Ellis PC and the related Return of Service are attached as Exhibit F.

3. In his Original Petition, Plaintiff expressly asserts claims under the Equal Pay Act of 1963, 29 U.S.C. § 206, and the False Claims Act, 31 U.S.C. §§ 3729-3733. (Ex. C at Counts I and II.)

4. Further, and although not explicitly labelled as individual “Counts” in the Original Petition, Plaintiff also appears to assert claims under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e *et seq.* (“Title VII”), 42 U.S.C. § 1981 (“Section 1981”), the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. § 201 *et seq.* (“FLSA”), and the Texas Labor Code §§ 21.051 and 21.055. (Ex. C at 1, ¶¶ 68, 73, and Count II ¶5).

5. Pursuant to 28 U.S.C. § 1331, this Court has original jurisdiction over this action because Plaintiff’s Equal Pay Act, False Claims Act, Title VII, Section 1981, and FLSA claims

arise under the laws of the United States. *See* 28 U.S.C. § 1331 (“The District Court shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.”).

6. In addition, this Court has supplemental jurisdiction over Plaintiff’s state law claims, to the extent alleged, pursuant to 28 U.S.C. § 1367, which provides that “in any civil action of which the district courts have original jurisdiction, the district courts shall have supplemental jurisdiction over all other claims that are so related to claims in the action within such original jurisdiction that they form part of the same case or controversy under Article III of the United States Constitution.” Here, Plaintiff makes it clear in his Original Petition that the same conduct by Defendant forms the basis of his federal and state law claims for discrimination and retaliation. (*See* Ex. C ¶ 73 (alleging that “Defendant has violated Title VII of the Civil Rights Act, 42 U.S.C. § 1981 and the Texas Labor Code by discriminating against Plaintiff because of his race and color and retaliating against him.”).)

7. A district court may decline to exercise supplemental jurisdiction over a claim if: (1) the claim raises a novel or complex issue of State law; (2) the claim substantially predominates over the claim or claims over which the district court has original jurisdiction; (3) the district court has dismissed all claims over which it has original jurisdiction; or (4) there are other compelling reasons for declining jurisdiction. None of these factors are present in the instant case.

8. Removal is appropriate “to the district court of the United States for the district and division embracing the place where such action is pending.” 28 U.S.C. § 1441(a). Pursuant to 28 U.S.C. § 124(a)(1), this Court embraces the 134th District Court of Dallas County, Texas. Accordingly, this Court is the appropriate venue for removal of this action. 28 U.S.C. § 1441(a).

9. This Joint Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b) as it is being filed within thirty (30) days after service of the Original Petition on Defendants.

10. Further, all named Defendants consent to the removal of this action to this Court.

11. A copy of this Notice of Removal is being sent to Plaintiff and to the Clerk of the District Court of Dallas County, Texas, as required by 28 U.S.C. § 1446(d).

12. In accordance with 28 U.S.C. § 1446(a) and Local Rule 81.1, Defendants have attached the following documents to this notice of removal:

- Index of Matters Being Filed (Exhibit A);
- A copy of the docket sheet from the state court action (Exhibit B);
- A copy of Plaintiff's Original Petition filed August 9, 2021 (Exhibit C);
- A copy of the Citation issued to Seyfarth Shaw on August 13, 2021 with Return of Service dated August 18, 2021 (Exhibit D);
- A copy of the Citation issued to Dynata on August 13, 2021 with Return of Service dated August 18, 2021 (Exhibit E);
- A copy of the Citation issued to Brackett & Ellis on August 13, 2021 with Return of Service dated August 18, 2021 (Exhibit F);
- Defendants Brackett & Ellis's, Seyfarth Shaw's and Dynata's Certificate of Interested Persons;
- Civil Cover Sheet;
- Supplemental Civil Cover Sheet; and
- Notice of Related Cases.

13. The undersigned has read this Notice of Removal, and to the best of the undersigned's knowledge, information, and belief, formed after reasonable inquiry, certifies that Defendants' factual allegations have evidentiary support and its legal contentions are warranted by existing law. The undersigned also certifies that this Notice is not interposed for any improper purpose, such as to harass, cause needless delay, or increase the cost of litigation.

WHEREFORE, Defendants pray that the above-referenced civil action proceed in the United States District Court for the Northern District of Texas, Dallas Division, as an action properly removed thereto.

Dated: September 10, 2021

RESEARCH NOW GROUP, INC. A/K/A,
RESEARCH NOW, INC. A/K/A DYNATA
SEYFARTH SHAW, LLP, AND BRACKETT
& ELLIS P.C.

/s/ Joseph F. Cleveland, Jr.

Joseph F. Cleveland, Jr.

SBN: 04378900

jcleveland@belaw.com

BRACKETT & ELLIS,
A Professional Corporation
100 Main Street
Fort Worth, Texas 76102
Telephone: 817.338.1700
Facsimile: 817.870.2265

*Attorney for Defendants, Dynata LLC,
Seyfarth Shaw LLP, and Brackett & Ellis P.C.*

Alex S. Drummond*

Georgia Bar No. 231116

adrummond@seyfarth.com

Christina F. Meddin*

Georgia Bar No. 135969

cmeddin@seyfarth.com

SEYFARTH SHAW LLP

1075 Peachtree Street, N.E.

Suite 2500

Atlanta, Georgia 30309-3962

Telephone: (404) 885-1500

Facsimile: (404) 892-7056

*Attorneys for Defendants, Dynata LLC and
Seyfarth Shaw LLP*

**pro hac vice applications forthcoming*

CERTIFICATE OF SERVICE

I hereby certify that I have caused a true and correct copy of the foregoing Notice of Removal to be served upon the following by First Class U.S. Mail, on this 10th day of September, 2021:

McDavid Oyekwe
3314 Seabreeze Drive
Rowlett, TX 75088

/s/ Joseph F. Cleveland, Jr.
Joseph F. Cleveland

1277236-v1/15675-002000